

Application No. 09/762,765
Amdt. dated 03-29-05
Reply to Office Action of 09-22-04 & 03-15-05

9

REMARKS/ARGUMENTS

The withdrawal of the prior rejections on prior art grounds is gratefully acknowledged. However, the Examiner entered new grounds of rejection with respect to claims 1 to 9, 12 and 20.

The Examiner rejected claims 2, 4 and 6 under 35 USC 112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner objected that these claims are incomplete, due to lack of definition for the variable "Z".

In the Communication of March 15, 2005, the Examiner indicated that the Amendment filed February 10, 2005 was considered to be not fully responsive to the Office Action with respect to the failure to address, by way of Amendment or substantive traversal argument, the Section 112 rejection. The oversight is not attending to this matter is regretted and is rectified herein.

Claims 2, 4 and 6 have been amended to specify that Z is oxygen for which basis can be found in the subsidiary claims 3, 5 and 7.

Having regard thereto, it is submitted that claims 2, 4 and 6 can no longer be considered to be indefinite and hence the rejection thereof under 35 USC 112, second paragraph, should be withdrawn.

The allowance by the Examiner of claims 18, 19, 21 and 22 is gratefully acknowledged.

The Examiner further indicated that claims 10 to 15 were objected to as being dependent on a base rejected claim but that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim.

Application No. 09/762,765
Amdt. dated 03-29-05
Reply to Office Action of 09-22-04 & 03-15-05

10

Claims 10, 12 and 15 have been rewritten in independent form including all the limitations of the base claims and any intervening claims. Claim 11 is dependent on claim 10. Claims 13 and 14 are dependent on claim 12. It is submitted that claims 10 to 15 are now in an allowable form.

The Examiner rejected claims 1 to 9 and 20 under 35 USC 102(e) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over US 6,084,030 to Janssen et al.

Claims 1, 8, 9 and 20 have been deleted. Claims 2 to 7 have been made dependent on claim 21, an allowed claim. Having regard thereto, it is submitted that the rejection of claims 1 to 9 and 20 under 35 USC 102(e)/35 USC 103 having regard to Janssen is overcome.

New process claims 23 to 29, corresponding to product claims 9 to 15, have been added, dependent on allowed claim 18. These claims have been added to better protect applicants invention. It is submitted that these claims should be allowed along with claim 18.

The prescribed fees for the additional claims have been included in the Fee Transmittal form attached to the Amendment filed February 10, 2005.

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



Michael I. Stewart
Reg. No. 24,973

Toronto, Ontario, Canada,
(416) 595-1155
FAX No. (416) 595-1163